

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

SONTERRA CAPITAL MASTER FUND LTD.,
FRONTPOINT EUROPEAN FUND, L.P.,
FRONTPOINT FINANCIAL SERVICES FUND,
L.P., FRONTPOINT HEALTHCARE FLAGSHIP
ENHANCED FUND, L.P., FRONTPOINT
HEALTHCARE FLAGSHIP FUND, L.P.,
FRONTPOINT HEALTHCARE HORIZONS FUND,
L.P., FRONTPOINT FINANCIAL HORIZONS
FUND, L.P., FRONTPOINT UTILITY AND
ENERGY FUND L.P., HUNTER GLOBAL
INVESTORS FUND I, L.P., HUNTER GLOBAL
INVESTORS FUND II, L.P., HUNTER GLOBAL
INVESTORS OFFSHORE FUND LTD., HUNTER
GLOBAL INVESTORS OFFSHORE FUND II LTD.,
HUNTER GLOBAL INVESTORS SRI FUND LTD.,
HG HOLDINGS LTD., HG HOLDINGS II LTD., and
FRANK DIVITTO, on behalf of themselves and all
others similarly situated,

Plaintiffs,

- against -

CREDIT SUISSE GROUP AG, CREDIT SUISSE AG,
JPMORGAN CHASE & CO., THE ROYAL BANK OF
SCOTLAND PLC, UBS AG, BLUECREST CAPITAL
MANAGEMENT LLP, DEUTSCHE BANK AG, DB
GROUP SERVICES UK LIMITED, AND JOHN DOE
NOS. 1-50,

Defendants.

Docket No. 15-cv-00871 (SHS)

DECLARATION OF MICHELLE E. CONSTON

I, Michelle E. Conston, pursuant to 28 U.S.C. § 1746, hereby declare as follows:

I am an associate of the law firm of Lowey Dannenberg Cohen & Hart, P.C. and Interim Counsel for the Class in this action. I respectfully submit this Declaration in Opposition to Defendants' Motion to Dismiss for Failure to State a Claim and For Lack of Subject Matter Jurisdiction.

1. Attached hereto as Exhibit 1 is a true and correct copy of Patrick, Margot, *Six Former Brokers Stand Trial Over Libor*, THE WALL STREET JOURNAL (Oct. 6, 2015), available at <http://www.wsj.com/articles/six-former-brokers-stand-trial-over-libor-1444140625>.

2. Attached hereto as Exhibit 2 is a true and correct copy of Letter from Frauke Menke for the Bundesanstalt für Finanzdienstleistungsaufsicht ("BaFin") to Deutsche Bank AG Management Board (May 13, 2015).

3. Attached hereto as Exhibit 3 is a true and correct copy of Matthews, Christopher M., Jenny Strasburg, and Eyk Henning, *Deutsche Bank Didn't Archive Chats Used by Some Employees Tied To Libor Probe*, THE WALL STREET JOURNAL (July 30, 2015), available at <http://www.wsj.com/articles/deutsche-bank-didnt-archive-chats-used-by-some-employees-tied-to-libor-probe-1438287685>.

4. Attached hereto as Exhibit 4 is a true and correct copy of Plea Agreement, *United States v. UBS AG*, No. 15-cr-00076, ECF No. 6 (D. Conn.).

5. Attached hereto as Exhibit 5 is a true and correct copy of Transcript of Record, *United States v. Robson* (Aug. 18, 2014) (No. 14 Cr. 272 (JSR)).

6. Attached hereto as Exhibit 6 is a true and correct copy of Transcript of Record, *United States v. Yagami* (June 10, 2014) (No. 14 Cr. 272 (JSR)).

7. Attached hereto as Exhibit 7 is a true and correct copy of Argument Calendar, Courtroom 1703, UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT, *available at* <http://ww2.ca2.uscourts.gov/calendar/index.php?eID=780> (last visited Oct. 19, 2015).

8. Attached hereto as Exhibit 8 is a true and correct copy of Transcript of Hearing, *In re: Crude Oil Commodity Futures Litig.* (Mar. 22, 2012) (No. 11 Civ. 05569 (WHP)).

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 19, 2015
White Plains, New York



Michelle E. Conston